

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated April 27, 2010. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-23 are pending in the Application. Claims 1, 12, 16, 17, and 19-23 are independent claims.

In the Office Action, claim 18 is objected to for informalities. In response, this claim is corrected as suggested in the Office Action. Accordingly, it is respectfully requested that this objection be withdrawn.

The specification is objected to for some informalities. The objection to the specification is respectfully traversed. However, in the interest of advancing consideration and allowance of the pending claims, the Applicants have elected to amend the claims to address the concerns raised in the Office Action. It is respectfully submitted that the claims are supported by the specification and as such, it is respectfully requested that this objection be withdrawn.

Claims 1-16 are rejected under 35 U.S.C. §101. In the interest of expediting consideration and allowance of the pending claims, the Applicants have elected to amend the claims to recite an encoder for encoding record carriers and a replay device for reading out a record carrier and detecting a copy. Accordingly, it is respectfully requested that this rejection of claims 1-16 under 35 U.S.C. §101, be withdrawn.

Claims 21-22 are rejected under 35 U.S.C. §101 as being directed to not statutory subject matter. As discussed above, the Applicants have elected to amend the claims to

recite an encoder for encoding record carriers and a replay device for reading out a record carrier and detecting a copy. Accordingly, it is respectfully requested that this rejection of claims 21-22 under 35 U.S.C. §101, be withdrawn.

In the Office Action, claims 1-4, 12-14, 17, 19 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0086566 to Gooch ("Gooch") in view of U.S. Patent No. 5,805,551 to Oshima et al. ("Oshima"). Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Gooch in view of U.S. Patent No. 6,801,490 to Sako ("Sako"). Claims 16, 20 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over International Patent Publication No. WO 00/74053 to C-Dilla ("C-Dilla") in view of U.S. Patent No. 4,641,295 to Furukawa ("Furukawa") and Sako. Claims 5-6, 8-11, 15 and 18 are rejected under 35 U.S.C. §103(e) as being unpatentable over Gooch and Oshima in view of C-Dilla. Claim 7 is rejected under 35 U.S.C. §103(e) as being unpatentable over Gooch and Oshima in view of C-Dilla in view of Furukawa. The rejection of claims 1-23 is traversed. It is respectfully submitted that claims 1-23 are allowable for at least the following reasons.

In accordance with the recitations of claim 1, a table of contents having "entries in a non-standard sequence" indicates an original and a standard table of contents indicates a copy. An example of this is illustrated in FIG. 1 of the application, where a copied table of contents includes sequential entries and the entries in the non-standard table of contents are out of sequence.

The Office Action relies on Gooch, paragraph [0018] and claim 12 as showing the "non-standard table of contents" of claim 1 and claim 13 of Gooch as showing the

"standard table of contents". However, it is respectfully submitted that reliance on these portions of Gooch or any portions for that matter is misplaced. It is respectfully submitted that contrary to that position, Gooch does not teach a non-standard table of contents. Rather, it describes a bad address written as part of a standard table of contents. A close inspection of the Gooch reveals that paragraph [0018] describes, "deliberately writing the starting address of the lead-out incorrectly in the TOC". Claim 12 recites, "incorrectly specifies a starting address" in the table of contents. Thus, Gooch does not show identifying an original record by determining if the entries of the table of content are written in a standard or a non-standard manner. Instead, Gooch interferes with the correct playing of the record by recording a bad starting address.

The Applicants diligently reviewed Oshima and found the Oshima suffers from the same drawbacks as Gooch. Oshima does not manipulate the position of the entries within the table to indicate that the table is non-standard. Instead, similar to Gooch, Oshima manipulates recorded addresses.

Similarly, a close inspection of the sections referenced by the Office Action on page 10 regarding Sako at col. 5, lines 14-24 and col. 9, line 65 to col. 10, line 5 and the rest of Sako for that matter did not reveal a showing of manipulating table entries of an original record carrier.

There is nothing in Gooch, Oshima, and Sako that teaches, discloses, or suggests mastering a table of contents on an original record carrier to include entries in a non-standard sequence. Claims 12, 17, 19, 21, and 23 are amended to include similar limitations to claim 1.

It is undisputed that C-Dilla fails to teach or suggest that "absence of the additional synchronization symbols indicating that the record carrier is a copy and presence of the additional synchronization symbols indicating that the record carrier is an original" as in claim 16, as recognized by the Office Action, see page 12, lines 1-3.

Further, it is respectfully submitted that Furukawa fails to discuss subcode frames as recited in claim 16, but instead describes "data stream one FRAME consists of 588 bits of record data" not a commonly used subcode frame that includes 98 bits (see, C-Dilla, FIG. 3). Further, Furukawa does not teach, disclose, or suggest additional synchronization symbols in each subcode frame of an original record as in claim 16. Claims 20 and 22 include recitations similar to claim 16.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Gooch, Oshima, and Sako. For example, Gooch, Oshima, and Sako do not teach, disclose or suggest, amongst other patentable elements, (illustrative emphasis added) "mastering a table of contents on an original record carrier to include entries in a non-standard sequence, a standard table of contents having entries in a standard sequence indicating that the corresponding at least one record carrier is a copy" as recited in amended claim 1 and as similarly recited in each of independent claims 12, 17, 19, 21, and 23.

Moreover, C-Dilla and Furukawa do not teach, disclose or suggest, amongst other patentable elements "absence of the additional synchronization symbols indicating that the record carrier is a copy and presence of the additional synchronization symbols indicating that the record carrier is an original" as recited in amended claim 16 and as similarly recited

in independent claims 20 and 22.

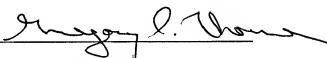
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 12, 16-17 and 19-23 are patentable and notice to this effect is earnestly solicited.

Claims 2-11, 13-15, and 18 respectively depend from one of the above-discussed independent claims and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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